

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FRANCES LAVALLE DELUCCIA,

Plaintiff,

NOTICE OF REMOVAL

v.

Civ No.: _____

TARGET CORPORATION,

Defendant,

1. Pursuant to 28 U.S.C. Section 1446(a), Defendant TARGET CORPORATION (hereinafter “Defendant”), by its attorneys, Hurwitz & Fine, P.C., hereby gives notice of the removal of this action from the State of New York, Supreme Court, County of Chemung, to the United States District Court for the Western District of New York.

2. Pursuant to Rule 81(a)(3)(A) of the Local Rule of Civil Procedure, annexed hereto as **Exhibit A** is an Index of the State Court pleadings in this matter.

3. A copy of Plaintiff’s Summons and Complaint filed in the State Court is annexed hereto as **Exhibit B**. According to Plaintiff’s Complaint, Plaintiff Frances Lavallo DeLuccia (hereinafter “Plaintiff”) alleges that Target was negligent in allowing and permitting a dangerous condition within said premises that allegedly caused Plaintiff to be injured on or about November 14, 2019.

4. A copy of Defendant’s Answer is annexed hereto as **Exhibit C**.

5. The amount in controversy, as stated in response to Target’s Demand for Specific Relief Requested, received by Target on or about July 19, 2021, is One Million Dollars (\$1,000,000.00). A copy of Plaintiff’s Response is attached hereto as **Exhibit D**.

6. According to Plaintiff’s Complaint, Plaintiff is a resident of the State of New York.

7. Defendant TARGET CORPORATION is incorporated in the State of Minnesota with its principal place of business in the State of Minnesota.

8. Less than thirty (30) days has elapsed since receipt of Plaintiff's Response to Target's Demand for Relief Requested, which was on or about July 19, 2021.

9. Defendant is entitled to remove this action pursuant to 28 U.S.C. Section 1446(a) because the District Court has original jurisdiction over the action pursuant to 28 U.S.C. Section 1332(a)(1), based upon diversity of citizenship of the parties.

10. Pursuant to 28 U.S.C. Section 1332 (c)(1), a corporation shall be deemed to be a citizen of any state by which it has been incorporated and of the state where it has its principal place of business.

WHEREFORE, Defendant, TARGET CORPORATION hereby removes this action from the State of New York, Supreme Court, County of Chemung, to the United States District Court for the Western District of New York.

DATED: Buffalo, New York
August 2, 2021

HURWITZ & FINE, P.C.

By:



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